

C. Remarks

The claims are 1-15, with claims 1, 10 and 15 being in independent form. Claims 1-15 have been renumbered as requested by the Examiner and have been amended to correct minor informalities and claim dependencies. Claim 10 has been amended to place it in independent form by incorporating the limitations of claim 1. No new matter has been added. Favorable consideration of the present claims is expressly requested.

The Examiner has required election of a single disclosed invention for prosecution on the merits in this case. The Examiner alleged the existence of three patentably distinct inventions:

- Group I. Claims 1-9, drawn to a dispersion of crystals or granules of active substance, classified in class 424, subclass 490;
- Group II. Claim 10-14, drawn to a chewable soft capsule, classified in class 424, subclasses 451 and 456; and
- Group III. Claim 15, drawn to a process for the preparation of chewable soft capsules, classified in class 424, subclass 451.

Applicants hereby elect Group II, claims 10-14, drawn to a chewable soft capsule. In addition, Applicants hereby request rejoinder of the method claim of Group III in the event that the product claims of Group II are allowed.

The Examiner also required a species election for each of the following two categories:

1) Lipophilic Vehicle:

- (a) vegetable oils;
- (b) animal oils;
- (c) tri-, di- or monoglycerides of fatty acids;
- (d) lipolysing oils;
- (e) mineral oils;

- (f) (light) waxes;
- (g) vaseline;
- (h) silicone oil, simethicons; or
- (i) mixtures of silicone oil and colloidal silica.

2) Coating:

- (a) celluloses - ethylcellulose, hydroxyethylcellulose, hydroxymethylcellulose, hydroxypropylmethylcellulose acetate;
- (b) acrylates;
- (c) lipidic compounds;
- (d) behenate;
- (e) macrogel beeswaxes; or
- (f) glycerol.

Applicants hereby elect the species wherein the lipophilic vehicle is (h) silicone oil, simethicons, and the coating is (a) celluloses - ethylcellulose, hydroxyethylcellulose, hydroxymethylcellulose, hydroxypropylmethylcellulose acetate. Claims 10-14 (as well as claim 15 if rejoined) read on the elected species.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Elizabeth F. Holowacz/
Elizabeth F. Holowacz
Attorney for Applicants
Registration No.: 42,667

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200

FOHS_WS 3994475v1